

AMENDED IN SENATE JUNE 14, 2016
AMENDED IN ASSEMBLY MAY 12, 2016
AMENDED IN ASSEMBLY APRIL 19, 2016
AMENDED IN ASSEMBLY APRIL 12, 2016
AMENDED IN ASSEMBLY MARCH 30, 2016
AMENDED IN ASSEMBLY MARCH 28, 2016
CALIFORNIA LEGISLATURE—2015–16 REGULAR SESSION

ASSEMBLY BILL

No. 1993

Introduced by Assembly Member Irwin

February 16, 2016

An act to add Section 1524.4 to the Penal Code, relating to law enforcement.

LEGISLATIVE COUNSEL'S DIGEST

AB 1993, as amended, Irwin. Corporate law enforcement contacts.

Existing law authorizes a court or magistrate to issue a warrant for the search of a place and the seizure of property or things identified in the warrant if there is probable cause to believe that specified grounds exist.

This bill would require service providers, as defined, to maintain a law enforcement contact process that meets specified criteria and, by July 1, 2017, file a statement with the Attorney General describing that process. The bill would require a service provider to file a statement with the Attorney General describing any material change to its process as soon as practicable after making that change. The bill would require the Attorney General to consolidate the statements received pursuant

to these provisions in one discrete record and regularly make that record available to law enforcement agencies. The bill would make the statements confidential and prohibit their disclosure pursuant to any state law. By increasing the duties of local law enforcement agencies to maintain confidential records, the bill would impose a state-mandated local program.

Existing constitutional provisions require that a statute that limits the right of access to the meetings of public bodies or the writings of public officials and agencies be adopted with findings demonstrating the interest protected by the limitation and the need for protecting that interest.

This bill would make legislative findings to that effect.

The California Constitution requires local agencies, for the purpose of ensuring public access to the meetings of public bodies and the writings of public officials and agencies, to comply with a statutory enactment that amends or enacts laws relating to public records or open meetings and contains findings demonstrating that the enactment furthers the constitutional requirements relating to this purpose.

This bill would make legislative findings to that effect.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that no reimbursement is required by this act for a specified reason.

Vote: majority. Appropriation: no. Fiscal committee: yes.
State-mandated local program: yes.

The people of the State of California do enact as follows:

- 1 SECTION 1. Section 1524.4 is added to the Penal Code, to
- 2 read:
- 3 1524.4. (a) This section applies to a service provider, as
- 4 defined in subdivision (j) of Section 1546, that operates in
- 5 California. This section does not apply to a service provider that
- 6 does not offer services to the general public.
- 7 (b) (1) Every service provider described in subdivision (a) shall
- 8 maintain a law enforcement contact process that meets the criteria
- 9 set forth in paragraph (2).

1 (2) Every service provider described in subdivision (a) shall
2 ensure, at a minimum, that its law enforcement contact process
3 meets all of the following criteria:

4 (A) Provides a specific contact mechanism for law enforcement
5 personnel.

6 (B) Provides continual availability of the law enforcement
7 contact process.

8 (C) Creates a method to provide status updates to a requesting
9 law enforcement agency on a request for ~~assistance, and the name~~
10 ~~of, assistance~~ and a direct means of communicating ~~with,~~ *with* the
11 individual *or group of individuals* responsible for processing the
12 request.

13 (3) Every service provider described in subdivision (a) shall,
14 by July 1, 2017, file a statement with the Attorney General
15 describing the law enforcement contact process maintained
16 pursuant to paragraph (1). If a service provider makes a material
17 change to its law enforcement contact process, the service provider
18 shall, as soon as practicable, file a statement with the Attorney
19 General describing its new law enforcement contact process.

20 (c) The Attorney General shall consolidate the statements
21 received pursuant to this section into one discrete record and
22 regularly make that record available to local law enforcement
23 agencies.

24 (d) The exclusive remedy for a violation of this section shall be
25 an action brought by the Attorney General for injunctive relief.
26 Nothing in this section shall limit remedies available for a violation
27 of any other state or federal law.

28 (e) A statement filed or distributed pursuant to this section is
29 confidential and shall not be disclosed pursuant to any state law,
30 including, but not limited to, the California Public Records Act
31 (Chapter 3.5 (commencing with Section 6250) of Division 7 of
32 Title 1 of the Government Code).

33 SEC. 2. The Legislature finds and declares that Section 1 of
34 this act, which adds Section 1524.4 to the Penal Code, imposes a
35 limitation on the public's right of access to the meetings of public
36 bodies or the writings of public officials and agencies within the
37 meaning of Section 3 of Article I of the California Constitution.
38 Pursuant to that constitutional provision, the Legislature makes
39 the following findings to demonstrate the interest protected by this
40 limitation and the need for protecting that interest:

1 In order to protect the internal processes of private businesses
2 from unnecessary intrusion and facilitate contact between law
3 enforcement and private businesses regarding access to information
4 that will protect public health and safety, it is necessary to limit
5 access to statements filed by service providers that describe the
6 service providers' law enforcement contact processes.

7 SEC. 3. The Legislature finds and declares that Section 1 of
8 this act, which adds Section 1524.4 to the Penal Code, furthers,
9 within the meaning of paragraph (7) of subdivision (b) of Section
10 3 of Article I of the California Constitution, the purposes of that
11 constitutional section as it relates to the right of public access to
12 the meetings of local public bodies or the writings of local public
13 officials and local agencies. Pursuant to paragraph (7) of
14 subdivision (b) of Section 3 of Article I of the California
15 Constitution, the Legislature makes the following findings:

16 By facilitating contact between law enforcement and service
17 providers regarding access to information that will protect public
18 health and ~~safety~~, *safety and* by appropriately limiting access to
19 internal business processes, this bill furthers the purpose of
20 paragraph (7) of subdivision (b) of Section 3 of Article I of the
21 California Constitution.

22 SEC. 4. No reimbursement is required by this act pursuant to
23 Section 6 of Article XIII B of the California Constitution because
24 the only costs that may be incurred by a local agency or school
25 district under this act would result from a legislative mandate that
26 is within the scope of paragraph (7) of subdivision (b) of Section
27 3 of Article I of the California Constitution.